

Registrars' Association
PO Box 280
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Foundation for Internet Domain Registration in the Netherlands
F.a.o. Mr S Springer
PO Box 5022
6802EA Arnhem

Our ref.: 20110928-A02
Subject: September 2011 / Van Dam Act

Gouda, 28 September 2011,

Dear Mr Springer,

In recent months, Maarten Simon (SIDN) and Peter Dost (Registrars' Association) have been in close contact regarding the possible implications of the Van Dam Act and regarding changes that SIDN might introduce to minimise the act's implications for registrars.

Messrs Simon and Dost have concluded that, as things stand, the Van Dam Act probably does apply to domain name services, and that an appropriate solution therefore needs to be found in order to minimise the impact for registrars.

SIDN has previously indicated that it regarded modification of its billing cycle (migration from the current quarterly cycle to a monthly cycle) as a good basis for avoiding conflict with the Van Dam Act. The act limits the period of notice that a consumer is required to give in order to cancel a subscription to one calendar month. Having considered the proposed billing cycle change, the RA has decided to give the idea its support.

The RA was asked to comment not only on the proposed billing change, but also on the possibility of SIDN bringing the relevant issues to registrars' attention. Some time ago, another registry provided registrars with comprehensive information about a change in the law, but the registry's efforts had no significant effect on the adoption of new practices within the market. We therefore recommend that SIDN does not actively seek to educate registrars about the relevant issues.

During our regular monthly discussions, it was indicated that SIDN needed to examine a number of issues pertinent to the viability of the proposed change. We hope you will keep us informed of progress and we are, of course, happy to provide further advice if necessary.

I look forward to receiving your response.

Kind regards,

Vince van Domburg
Secretary to the Registrars' Association